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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

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30 SILGAN CONTAINERS CORPORATION,

31 Civil Action No. 4:08-cv-2246 (PJH)

32 Plaintiff,

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34 [PROPOSED] ORDER OF DISMISSAL

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36 NATIONAL UNION FIRE INSURANCE
37 COMPANY OF PITTSBURGH, PA., and
38 ZURICH AMERICAN INSURANCE
39 COMPANY,

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41 Hearing Date: April 15 , 2010
42 Hearing Time: 2:00 p.m.
43 Courtroom: 3

44 Defendants.

45
46 Honorable Phyllis J. Hamilton
47 United States District Judge

Upon consideration of the parties' Joint Motion Regarding the Remaining Claims of Plaintiff Silgan Containers Corporation ("Silgan") and to Strike the Case Management Conference and Excuse Filing of Supplemental Joint Case Management Statement, the Court hereby strikes the April 15, 2010 case management conference from the calendar and excuses the parties' filing of a supplemental joint case management statement.

6 Because the Court's entry of partial summary judgment finding that defendant National
7 Union Fire Insurance Company of Pittsburgh, Pa. had no legal duty to pay for the underlying Del
8 Monte fruit cup claim also bars Silgan's remaining "bad faith" claims (Counts One, Three and
9 Four), the Court hereby dismisses Silgan's remaining claims with prejudice and directs the Clerk
10 of the Court to enter final judgment.

11 || So Ordered.

12 Dated: April 9, 2010

**Honorable Phyllis J. Hamilton
United States District Judge**

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